

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rule making related to supplementary weighting and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 97, “Supplementary Weighting,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2018 Iowa Acts, Senate File 475 and House File 633.

Purpose and Summary

Chapter 97 outlines supplementary weighting. The proposed amendments to Chapter 97 reflect legislative changes to supplementary weighting for Iowa school districts brought about during the 2018 Legislative Session. Those changes include an addition to the shared operational functions eligible for supplementary weighting and expansion of the eligibility period for this weighting and a new type of district eligibility for additional weighting under concurrent enrollment for certain career and technical education courses.

Fiscal Impact

This rule making may impact jobs that have shared operational functions, and it may impact local districts’ budgets.

Jobs Impact

This rule making may impact jobs that have shared operational functions.

Waivers

An agencywide waiver provision is provided in 281—Chapter 4.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 8, 2019. Comments should be directed to:

Nicole Proesch
Department of Education
Grimes State Office Building, Second Floor
Des Moines, Iowa 50319-0416
Phone: 515.281.8661
Email: nicole.proesch@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 8, 2019
1 to 2 p.m.

State Board Room, Second Floor
Grimes State Office Building
East 14th Street and Grand Avenue
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind the definitions of "Fraction of a school year at the elementary level" and "Fraction of a school year at the secondary level" in rule **281—97.1(257)**.

ITEM 2. Adopt the following **new** definition of "Fraction of a school year" in rule **281—97.1(257)**:
"Fraction of a school year" shall mean the product of the minutes per day of class multiplied by the number of days per year the class meets divided by the product of the total number of minutes in a school day multiplied by the total number of days in a school year. All minutes available in a normal day shall be used in the calculation.

ITEM 3. Amend rule **281—97.1(257)**, definition of "Supplementary weighting plan for at-risk students," as follows:

"Supplementary weighting plan for at-risk students" shall mean a plan as defined in this chapter to add a weighting for each resident student enrolled in the district and a weighting for ~~each resident student~~ the percentage of pupils enrolled in grades one through six, as reported by the school district on the basic educational data survey for the base year, who are eligible for free and reduced price meals under the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. Sections 1751-1785 1751-1769j, multiplied by the budget enrollment in the school district to generate funding to be used to develop or maintain at-risk programs, which may include alternative school programs alternative programs and alternative school programs, and returning dropout and dropout prevention programs approved pursuant to Iowa Code section 257.40.

ITEM 4. Amend subparagraph **97.2(5)“a”(2)** as follows:

(2) The course must not be used by the school district in order to meet the minimum accreditation standards in Iowa Code section ~~256.11~~. 256.11(5) “a” to “j,” with an exception to the career and technical limitation applicable to Iowa Code section 256.11(5) “h.”

ITEM 5. Adopt the following **new** subparagraph **97.2(5)“a”(3)**:

(3) A school district with total basic educational data survey enrollment of not more than 600 that contracts with a community college to provide any of the three required sequential units in any of the four career and technical education service areas identified as the district's career and technical program required in Iowa Code section 256.11(5) “h” may request supplementary weighting for any community college course within one of the four service areas if the district's course enrollment exceeds five.

ITEM 6. Amend paragraph **97.3(2)“b”** as follows:

b. Adding a weighting of forty-eight ten-thousandths ~~for each resident student~~ multiplied by the percentage of pupils in the district enrolled in grades one through six, as reported by the school district on

the basic educational data survey for the base year, who is are eligible for free and reduced price meals under the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. Sections ~~1751-1785~~ 1751-1769j, multiplied by the district's budget enrollment.

ITEM 7. Amend subrule 97.7(2), introductory paragraph, as follows:

97.7(2) Operational function area eligibility. "Operational function sharing" means sharing of managerial personnel in the discrete operational function areas of superintendent management, business management, human resources management, student transportation management, facility operation or maintenance management, curriculum director, master social worker, independent social worker, or school counselor. "Operational function sharing" does not mean sharing of clerical personnel or school principals. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement in order to be eligible for supplementary weighting.

ITEM 8. Rescind subparagraph **97.7(2)"a"(2)**.

ITEM 9. Renumber subparagraphs **97.7(2)"a"(3)** and **(4)** as **97.7(2)"a"(2)** and **(3)**.

ITEM 10. Amend subparagraph **97.7(2)"b"(1)** as follows:

(1) Shared personnel must perform the services of managing the business operations. Managing business operations would include personnel performing the duties of a business manager or school business official, or personnel performing the duties listed in the Iowa Code for a board secretary including, but not limited to, ~~board secretary duties listed in Iowa Code chapter 291, or personnel performing the duties listed in the Iowa Code for a board treasurer including, but not limited to, those listed in Iowa Code chapter 291 for a board secretary or board treasurer duties listed in Iowa Code chapter 291.~~

ITEM 11. Amend subparagraph **97.7(2)"f"(1)** as follows:

(1) Shared personnel must perform the services of a curriculum director. ~~An individual performing the function of a curriculum director must be properly licensed for that position.~~

ITEM 12. Adopt the following new paragraph **97.7(2)"h"**:

h. School social worker.

(1) Shared personnel must perform the services of a school social worker. An individual performing the function of a school social worker must be properly licensed for that position.

(2) Social workers providing services required to be provided by an area education agency shall not be considered a shared school social worker under this subrule.

(3) Shared school social worker services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

ITEM 13. Amend subrule 97.7(3), introductory paragraph, as follows:

97.7(3) Years of eligibility Eligibility. ~~A school district participating in an operational function sharing arrangement shall be eligible for supplementary weighting under this rule for a maximum of five years. The five years of eligibility shall include each year in which any shared operational function is included for supplementary weighting.~~ The supplementary weighting for eligible shared operational functions may be included beginning on October 1, 2013.

ITEM 14. Amend subrules 97.7(5) to 97.7(7) as follows:

97.7(5) Consecutive years. A school district that is eligible to add a supplementary weighting for ~~resident students~~ for a shared operational function is not required to utilize consecutive years. However, the final year in which a supplementary weighting may be added on October 1 for this purpose shall not be later than the school year that begins July 1, 2018, ~~and the total of all years in which a supplementary weighting may be added on October 1 for this purpose shall not exceed five years~~ July 1, 2023.

97.7(6) Change in sharing partners. A school district that is eligible to add a supplementary weighting for ~~resident students~~ for a shared operational function may enter into an operational function sharing arrangement with one or more different sharing partners for its second, third, fourth or fifth year of eligible weighting. Establishing a new operational function sharing arrangement in a substantially similar function does not extend the maximum number of years for which a school district is eligible.

97.7(7) Change in shared personnel. A school district that is eligible to add a supplementary weighting for resident students for a shared operational function may enter into an operational function arrangement for a different individual in a substantially similar position. ~~Implementing a change of the individual or individuals shared does not extend the maximum number of years for which a school district is eligible.~~

ITEM 15. Amend subrules 97.7(9) to 97.7(11) as follows:

97.7(9) Multiple shared individuals ~~in~~ within an operational function. A school district that implements more than one sharing arrangement within any discrete operational function area, as both the contract holder and the purchaser of services, shall not be eligible for supplementary weighting if ~~more than one shared individual is licensed and qualified for the same position. If the school district had utilized its own employees, the sharing arrangement or arrangements would not have been necessary had the district utilized its own properly licensed and qualified employee(s).~~

97.7(10) Weighting. A school district that shares an operational function in the area of superintendent management shall be assigned a supplementary weighting of eight pupils for the function. A school district that shares an operational function in the area of business management, human resources management, transportation management, or operation and maintenance management shall be assigned a supplementary weighting of five pupils for the function. A school district that shares the operational functions of a curriculum director, master social worker, independent social worker, or a school counselor shall be assigned a supplementary weighting of three pupils for the function. The supplementary weighting shall be assigned to each discrete operational function shared. ~~The maximum number of years for which a supplementary weighting shall be assigned for all operational functions shared is five years.~~ The department shall reserve the authority to determine if an operational sharing arrangement constitutes a discrete arrangement or qualifying operational sharing arrangement if the circumstances have not been clearly described in the Iowa Code or the Iowa Administrative Code.

97.7(11) Sharing arrangement duties. A school district may receive the additional weighting for the sharing of services of an individual with a political subdivision that is not a school corporation even if the type of operational function performed by the individual for the school district and the type of operational function performed by the individual for the political subdivision are not the same operational function, so long as both operational functions are eligible for weighting. In such case, the school district shall be assigned the additional weighting for the type of operational function that the individual performs for the school district, and the school district shall not receive additional weighting for any other function performed by the individual.

ITEM 16. Amend **281—Chapter 97**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 257.6, 257.11 ~~as amended by 2014 Iowa Acts, Senate File 2056 and House File 2271~~, and 257.12 and Iowa Code chapter 261E.